No. 25-564

ORIGINAL

In the Supreme Court of the United States

SCOTT MEYER,

Petitioner,

v.

GAYLA RAHN, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

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September 3, 2025
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QUESTIONS PRESENTED

1. Whether the grant of the motion to dismiss was an abuse of discretion, not based upon the undisputed facts presented, and supported by only the erroneous application of the relevant law.

2. Whether the district court's conclusion that the Plaintiff's complaint failed to state a claim upon which relief could be granted was an abuse of discretion, not supported by the facts presented, and a misapplication of the relevant law. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); *Federer v. Gephardt*, 363 F.3d 754, 757 (8th Cir. 2004); *Rucci v. City of Pacific*, 327 F.3d 651, 652 (8th Cir. 2003); *Scheuer v. Rhodes*, 416 U.S. 232 (1974).

3. Whether the district court's conclusion that Plaintiff's complaint was barred due to sovereign immunity as the plaintiff continues to be denied the ability to purchase a firearm. Thus there is an ongoing violation of federal law and the plaintiff is seeking prospective relief, an *Ex Parte* exception to the sovereign immunity defense. *See Ex Parte Young*, 209 U.S. 123 (1908); *Kodiak Oil & Gas (USA) Inc. v. Burr*, 932 F.3d 1125, 1131–32 (8th Cir. 2019); *McDaniel v. Neal*, 44 F.4th 1085, 1089 (8th Cir. 2022). *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984). *Will v. Michigan Dept. of State Police*, 491 U.S. 58 (1989).

4. Whether the district court's conclusion that the plaintiff's complaint against defendants in their personal capacities was barred by quasi-judicial immunity. *See Doe v. Chapman*, 30 F.4th 766 (8th Cir. 2022); *Boyer v. County of Washington*, 971 F.2d 100, 102 (8th Cir. 1992); *Forrester v. White*, 484 U.S. 219 (1988);

Hafer v. Melo, 502 U.S. 21 (1991); *Martin v. Hendren*, 127 F.3d 720 (8th Cir. 1997); *McCaw v. Winter*, 745 F.2d 533, 534 (8th Cir. 1984); *Robinson v. Freeze*, 15 F.3d 107, 109 (8th Cir. 1994).

5. Whether the right to purchase a firearm is settled law and a clearly established fundamental constitutional right. *See District of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald v. City of Chicago*, 561 U.S. 742 (2010); *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. ___ (2022); *Caetano v. Massachusetts*, 577 U.S. 411 (2016) (per curiam); *United States v. Miller*, 307 U.S. 174 (1939).

6. Whether the plaintiff's claim against the court clerks is barred by qualified immunity. *See Ashcroft v. al-Kidd*, 563 U.S. 731, 735, 741 (2011); *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982); *Malley v. Briggs*, 475 U.S. 335, 341 (1986); *Wilson v. Lamp*, 901 F.3d 981, 986 (8th Cir. 2018).

7. Whether the court clerks were performing discretionary or ministerial acts when they decided to interfere with plaintiffs Second Amendment constitutional right and thus not entitled to qualified immunity. *See Cheeks v. Belmar*, 80 F.4d 872 (8th Cir. 2023); *Crawford-El v. Britton*, 523 U.S. 574, 588 (1998); *Davis v. Scherer*, 468 U.S. 183, 196 n.14 (1984); *Harlow v. Fitzgerald*, 457 U.S. 800, 816–18 (1982); *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1264 (11th Cir. 2004); *Wilson v. Lamp*, 901 F.3d 981, 986 (8th Cir. 2018).

8. Whether plaintiff's procedural and substantive due process rights were violated by the court clerks by denying his Second Amendment rights without clear and direct orders from the judge and without clear

routine documented protocol and procedure for the determination of what constitutes a "prohibited person" as opposed to what actions to take WHEN a person is determined by the court to be a prohibited person. Court clerks can apply the procedure and protocols to a prohibited person but cannot make the determination about whether or not a person is prohibited from purchasing a firearm. This is a judicial decision. *See Cheeks v. Belmar*, 80 F.4d 872 (8th Cir. 2023); *Daniels v. Williams*, 474 U.S. 327, 346 (1986); *Gordon v. Hansen*, 168 F.3d 1109, 1114 (8th Cir. 1999); *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997); *Mathews v. Eldridge*, 424 U.S. 319; *Sacramento v. Lewis*, 523 U.S. 833 (1998).

9. Whether Hans Holland had a direct supervisory role and/or made the decision himself as the supervisor to violate plaintiff's Second Amendment fundamental constitutional rights. *See Livers v. Schenck*, 700 F.3d 340, 355 (8th Cir. 2012); *Parrish v. Ball*, 594 F.3d 993, 1001 (8th Cir. 2010); *S.M. v. Krigbaum*, 808 F.3d 335 (8th Cir. 2015); *Walton v. Dawson*, 752 F.3d 1109, 1125 (8th Cir. 2014).

PARTIES TO THE PROCEEDINGS

Petitioner and Appellant/Plaintiff below

- Scott Meyer

Respondents and Appellees-Defendants below

- Gayla Rahn, Olmsted County Court Clerk
- Kim Pietrzak, Olmsted County Court Clerk
- Hans Holland, Olmsted County Court Clerk Administrator
- Olmsted County Court
- John/Jane Doe

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Eighth Circuit

No. 25-1028

Scott Meyer, *Plaintiff - Appellant, v.* Gayla Rahn, Olmsted County Court Clerk; Kim Pietrzak, Olmsted County Court Clerk; Hans Holland; Olmsted County Court; John/Jane Doe, *Defendants-Appellees.*

Date of Final Opinion: June 3, 2025

U.S. District Court for the District of Minnesota

No. 24-73 (DWF/JFD)

Scott Meyer, *Plaintiff, v.* Gayla Rahn, Kim Pietrzak, Olmsted County Court Clerk; Hans Holland; Olmsted County Court and John/Jane Doe, *Defendants.*

Date of Final Opinion: December 30, 2024

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JUDICIAL RULES

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays a petition for writ of certiorari be issued to review the judgment of the U.S. Court of Appeals for the Eighth Circuit which affirmed the decision of the U.S. District Court for the District of Minnesota.

OPINIONS BELOW

The Eighth Circuit's June 3, 2025. Memorandum Opinion and Order is included at App.1a. The Memorandum Opinion and Order of the U.S. District Court for the District of Minnesota, dated December 30, 2024, is included at App.3a. These opinions were not designated for publication.

JURISDICTION

A Petition for Rehearing and Rehearing En Banc to the U.S. Court of Appeals for the Eighth Circuit was denied July 15, 2025. App.15a.

This is an appeal from a final Judgment of the 8th Circuit Court of Appeals (25-1028) entered on June 3, 2025 on appeal from the United States District Court for the District of Minnesota (Hon. Donovan W. Frank, case # 24-CV-73) following Defendants' Motions to Dismiss and Plaintiff's Reply, dismissing Meyer's complaint with Prejudice.

The District Court had jurisdiction pursuant to 28 U.S.C. 1331. The Plaintiff's Notice of Appeal was filed on Jan 3, 2025. The 8th Circuit Court of Appeals had jurisdiction over the appeal pursuant to 28 U.S.C. § 1291 as an appeal from a final judgment of a District Court that disposed of all claims by all parties.

The United States Supreme Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitutional Amendments 2, 5, 11, 14

42 U.S.C. § 1983

18 U.S.C. § 922(g)(8)

18 U.S.C. § 922(g)(9)

18 U.S.C. § 921(a)(33)(A)

18 U.S.C. § 922(g)(8)(B) and (C)

MN statute 609.165 subd (1)(d)

MN statute 609.165 subd(1)(a)

MN statute 609.748(1)(a)(1)

MN statute 609.748 (1)(b)(1)

MN statute 609.748(6)(b)

MN statute 609.748(6)(b)(3)

MN statute 624.712 subd 5

MN statute 624.713 subd 1(9)

MN statute 624.713 subd 1(10)(viii)

MN statute 624.713 subd 1 (13)

MN statute 624.715 subd 5

MN statute 608.749

MN statute 609.749 subd 2(c)(1-8)

INTRODUCTION

Petitioner, who was Appellant/Plaintiff below, submits this Petition for Writ of Certiorari to the 8th Circuit Court of Appeals, which affirmed the U.S. District Court, District of Minnesota's decision to grant Defendants' Motion to Dismiss Plaintiff's Complaint. Plaintiff filed a complaint in the United States District Court for the District of Minnesota against Defendants alleging violations of 42 U.S.C. § 1983, 2nd, 5th, and 14th Amendments to the Constitution in connection with the persistent denial of plaintiff's right to purchase a firearm and to exercise his 2nd constitutional amendment right with reckless disregard and deliberate indifference.

After filing Plaintiff's complaint in the District Court, Defendants filed a Motion to Dismiss on the basis that Plaintiff's claims were barred by sovereign immunity in their official capacities and quasi-judicial and qualified immunity in their personal/individual capacities in favor of the Defendants. The District Court determined that Plaintiff's complaint was barred by immunity with respect to each Defendant and in the alternative, on its own, for failure to state a claim under 42 U.S.C. 1983, as his complaint was not described with any particularity toward defendants, the right to

purchase a firearm is not a clearly established constitutional right, and the defendants' acts were discretionary and within the court clerks' authority. As such, Plaintiff's case was dismissed.

Plaintiff contends that the defendants, in their official capacities, are not entitled to sovereign immunity because the plaintiff is seeking prospective relief. The court erroneously asserts that plaintiff does not seek prospective relief, however, plaintiff continues to be denied the right to purchase a firearm and continues to be defined as a "prohibited person"[1]

In addition, plaintiff contends that the defendants, in their individual and personal capacities, are not entitled to quasi-judicial immunity. The defendants were not acting on the direction of the court or the judge as the 8th Circuit Court has repeatedly required for quasi-judicial immunity, nor was there a policy or procedure in place for determining the status of plaintiff's Second Amendment rights. Once a person has been adjudicated as a "prohibited person", then the Olmsted county court clerks do have a procedure in place to inform the individual how to reinstate their Second Amendment constitutional rights. And despite being shown court documentation regarding their erroneous claim that plaintiff was required to reinstate his Second Amendment right (because they apparently

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[1] "A prohibited person" will always refer to a person who has lost his/her constitutional right to possess and/or purchase a firearm (ATF Form 3310.2 "Protection Orders and Federal Firearms Prohibitions"; Minn Stat 624.713, Subd 1(10); United States Code, Title 18, Section 922(g)(8) or (9)); Minn Stat 624.713, Subd 1(1)-(10); Minn Stat 624.713, Subd 1(13); Minn Stat section 260C.201, Subd 3, paragraph (d); Minn Section 518B.01, Subd 6, paragraph (g))

presumed he was a prohibited person without any evidence of that and in fact evidence to the contrary), they purposefully ignored it and acted with DELIBERATE INDIFFERENCE and RECKLESS DISREGARD toward plaintiff's clearly established constitutional rights.

The decision as to whether a person is "prohibited" by statute from purchasing a firearm is not within the authority of court clerks, and in this case, contrary to a MN district courts order. Thus, defendants are not the beneficiaries of qualified immunity either. And without due process, denied the plaintiff's Second Amendment constitutional rights.

The court is wrong in its finding that the Plaintiff does not state a claim upon which relief can be granted. It is abundantly clear, in the 8th circuit court's precedent as well as the U.S. Supreme Court's most recent decisions, that a Second Amendment right is a fundamental right that cannot be infringed without strict scrutiny. And though there may not be a case with the exact circumstances as plaintiff's, this is not necessary to meet the burden of "clearly established law", that a reasonable person would have "Fair warning" that they were violating a constitutional right.

As such, Plaintiff respectfully requests the U.S. Supreme Court grant the Petition for Writ of Certiorari for review of the 8th Circuit Court of Appeals and the U.S. District Court of Minnesota's decisions.

Plaintiff's appeal with the 8th District Court of Appeal affirmed the District Court's ruling without an explanatory opinion. In doing so, the court contradicts its own long, well-established, historical precedent as well as the precedent of the United States Supreme

Court. There are also contradictory precedents among the U.S. District Courts of Appeal.

STATEMENT OF THE CASE

A. Statement of Facts

1. Meyer was given a non-domestic violence, HRO under MN statute 609.748 1(a)(1). No violence or threat of violence or physical harm was found by the court.

2. The issue of Meyer being a "prohibited person"[1] (a legal conclusion) was adjudicated by the MN District court in Hennepin county on 3/21/2021 (file no 27-cv-20-11626). After evaluating the issues, the court's legal conclusion, findings of fact, and order was that Meyer was not a "prohibited person".

3. Meyer was informed in the letter from the DOJ CJIS July 18, 2023, that the reason for denial of the VAF (Prospective firearms buyers who receive a "Denied" status on their background checks may apply for a "Voluntary Appeal File" (VAF) from the ATF. A VAF allows a person to qualify to purchase a firearm by being entered into the "national instant criminal background check system" *i.e.*, NICS) due to information from the Olmsted county court (plausibly due to his loss of Second Amendment right).

4. Meyer was denied the ability to purchase a firearm by the federal government (DOJ FBI CJIS), found to be a "potentially prohibited person", in the letter dated July 18, 2023.

5. A separate lawsuit (U.S. District Court, District of Minnesota, case #24-CV-00549) has been filed against the federal government on a "Biven's" claim. This has been settled and is not at issue.

6. The MN district court, Hennepin county has determined that MN Statute 624.713 1(10)(viii), 18 U.S.C. § 922(g)(8) and (g)(9), 18 U.S.C. § 921(a)(33)(A)), do not apply to Meyer and this he is not a "prohibited person".

7. After Meyer's denial to purchase a firearm, he contacted both the MN district court in Olmsted county and the CJIS and provided them documents in an attempt to reverse their determination that Meyer was not allowed to purchase a firearm and to demonstrate why they were wrong in their determination.

8. Despite multiple attempts, Meyer has been unsuccessful in reversing their determination of Meyer being a "prohibited person".

9. Meyer went to the court clerk's office in Olmsted county and recorded "Kim" (Kim Pietrzak) and "Gayle" (Gayle Rahn) saying they made the determination that I was a "prohibited person".

10. When Meyer contacted the Olmsted county clerk regarding his denial of the ability to purchase a firearm, TWICE he was sent forms to "restore his rights to purchase a firearm" (based upon MN statute 609.165 subd 1(d) [subd 1(a): convicted of a crime if violence as per 624.715 subd 5 requires restoration as per subd 1(d)], and 624.712 subd 5 [definition of "crime of violence" = FELONY crimes of violence includes 608.749]). Thus, it is not only plausible, but definite, that the "Olmsted county court" had found that Meyer had lost his right to purchase a firearm,

i.e., his second amendment right (a legal conclusion but certainly not conclusory based upon the evidence submitted). No explanation was given with this paperwork to explain the Olmsted county court's decision. It is highly likely and probable that Meyer's constitutional rights would continue to be violated in the future without a court's prospective relief.

11. Meyer was convicted of a misdemeanor, MN statute 609.748 subd 6(b) for violating 609.748 1(b)(1), NOT MN statute 609.749.

12. Despite Meyer repeatedly providing evidence that he was not a "prohibited person" and had not lost his Second Amendment right and thus did not need to petition to restore that right, the court and CJIS persisted in their erroneous determination to the contrary.

13. Hans Holland, county clerk administrator and supervisor for Olmsted county court, is the name on the documents, that were in response to Meyer's communication with the Olmsted county court re: denial of his right to purchase a firearm, that informed Meyer to apply for restoration of his right to purchase a firearm.

14. Meyer sent the MN state court's, Hennepin county, order of Judge Susan Robiner, repeatedly to the Olmsted county court and the CJIS.

15. CJIS stated in their letter to Meyer that their denial of Meyer's ability to purchase a firearm was based upon information received from the Olmsted county court.

16. Meyer applied to the Olmsted county sheriffs department for a "permit to purchase" a firearm, which

was granted 12/9/2024 despite being denied this right by the Olmsted county court.

17. Meyer attempted to purchase a firearm at Scheel's in Rochester, MN Jan 11, 2025 and was once again denied.

REASONS FOR GRANTING THE PETITION

A. SUMMARY OF ARGUMENT

1. Complaint Dismissed: The district court erred in dismissing the complaint for failure to state a claim. The defendants were not entitled to quasi-judicial or qualified immunity in their personal individual capacities (*see* below). The defendants were not entitled to sovereign immunity as prospective relief was being sought by the plaintiff. The facts were not conclusory and neither were the plaintiffs allegations of the defendants' personal involvements.

2. Sovereign Immunity: Defendants were not entitled to sovereign immunity as plaintiff was seeking prospective relief and thus fell under the *Ex Parte* exception.

3. Quasi-Judicial Immunity: Defendants were not entitled to quasi-judicial immunity as they were performing a ministerial task in providing information on how to reinstate ones Second Amendment constitutional rights after they were lost. Court clerks do not decide who is a prohibited person. As per the 8th Circuit's precedents, quasi-judicial immunity is provided to individuals carrying out an action at the direct instruction from a judge. In this case, there was

no judicial determination that plaintiff was a prohibited person, and in fact just the contrary. The court clerks were acting outside their authority and when shown proof of this, they acted with reckless disregard and deliberate indifference. Their actions were conscience shocking.

4. The Second Amendment Is a Fundamental Right: The right to purchase and possess firearms is a fundamental right and well-settled in constitutional law. Second Amendment constitutional rights are a fundamental right that is clearly established, settled law. The defendants violated this.

5. Qualified Immunity: The defendants are not entitled to qualified immunity because they violated clearly established law and acted with Deliberate Indifference and Reckless Disregard for the plaintiff's constitutional rights.

Olmsted County court clerks had ample time to consider the case and were repeatedly presented with evidence that the plaintiff was not a prohibited person.

Their deliberate refusal to correct their mistake—despite receiving court orders and legal documentation—constitutes "conscience-shocking" conduct under *Sacramento v. Lewis*.

Since this was not an emergency situation, the constitutional violation standard is lower than in cases requiring split-second decision-making.

Qualified immunity should not apply because the officials knowingly disregarded the plaintiff's clearly established rights.

6. Discretionary vs Ministerial Acts: Defendants were performing a ministerial act by providing

information on how to reinstate plaintiff's Second Amendment constitutional right. They were not determining whether plaintiff was a prohibited person, *i.e.*, a discretionary act, and by making that determination without direct instruction or order from the court, they were acting outside their legal authority (*Cheeks v. Belmar*, 80 F.4d 872 (8th Cir. 2023)).

7. Procedural and Substantive Due Process: Without a court hearing or judicial determination of plaintiffs status as a prohibited person, plaintiff's procedural and substantive due process rights were violated.

8. Supervisory Role: Hans Holland, acted in his direct supervisory role as the individual who signed, twice, the documents sent to the plaintiff about how to reinstate his Second Amendment constitutional rights, which had never been revoked.

B. ARGUMENTS

1. Motion to Dismiss/Failure to State a Claim:

The grant of the motion to dismiss was an abuse of discretion because the plaintiff presented specific factual allegations supporting due process and Second Amendment violations.

Thomas, J., delivered the opinion for a unanimous Court:

> "Consequently, the ordinary rules for assessing the sufficiency of a complaint apply. *See, e.g.*, *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974) ("When a federal court reviews the sufficiency of a complaint, before the reception of any evidence either by affidavit or admis-

> sions, its task is necessarily a limited one. The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims")."

The district court's determination that plaintiff's complaint failed to state a claim upon which relief could be granted was an abuse of discretion, not supported by the facts, misapplication of the law to the court's erroneous facts that it quoted in its opinion. It was based on conclusory statements made by the court so as to support a predetermined outcome using motivated reasoning. Its opinion was consistent with "petitio principii" (a closed loop argument) with irrelevant conclusions ("ignoratio elenchi"). The court "cherry picked" facts, plaintiffs' citations, and misrepresents the entire claim to achieve its desired outcome. The court does not address any of the actual facts as it relates to its legal conclusions.

Standard for Dismissal:

The Supreme Court held that a motion to dismiss should not be granted unless it is clear beyond doubt that no relief could be granted under any set of provable facts. The issue is not whether the plaintiff will ultimately prevail, but whether they are entitled to offer evidence (*Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)).

The 8th Circuit similarly emphasized that Rule 12(b)(6) dismissals should only occur when no relief is possible under the alleged facts (*Rucci v. City of Pacific*, 327 F.3d 651, 652 (8th Cir. 2003)).

De Novo Review:

The appellate court must review the dismissal anew without deferring to the lower court's ruling (*Federer v. Gephardt*, 363 F.3d 754, 757 (8th Cir. 2004)).

Plausibility Standard:

A complaint must plausibly suggest a valid claim, not just a conceivable one (*Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)). The district court erred in dismissing this case despite the plaintiff's specific allegations.

A complaint must contain sufficient factual matter to state a claim for relief (*Ashcroft v. Iqbal*, 556 U.S. 662 (2009)). Here, the plaintiff's due process claims were improperly dismissed despite their clear factual basis. The plaintiff submitted facts which are not "threadbare recitals" or "conclusory". They are specific and even captured on video. The courts perfunctory review of this case is apparent from the statements in the opinion. "Jolene" is not named in this case as a defendant and the mention of this individual is unnecessary and prejudicial. It indicates this court's unserious assessment of and lack of consideration for plaintiff's complaint. "Gayla" however is present in the video and is named as a defendant. Their involvement in the denial of the plaintiff's Second Amendment constitutional right is a fact that is demonstrated in the video.

Misapplication of Law:

A court abuses its discretion when it misapplies the legal standard or dismisses a case based on judicial preference rather than legal insufficiency (*Cheeks v. Belmar*, 80 F.4d 872 (8th Cir. 2023)).

A complaint need only provide fair notice of the claim and its grounds to survive dismissal (*Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 122 S. Ct. 992 (2002)). The plaintiffs clearly stated due process violations warranted further review.

Thus, dismissal was improper as the complaint met the necessary pleading standards and should have been allowed to proceed. However, the *Twombly* and *Iqbal* cases continue to leave the "detailed factual allegations" and "mere conclusory statements" bar as a completely subjective assessment of the court. There are no criteria. Any court can dispose of a case in an arbitrary and capricious manner by just calling the facts and statements in a complaint "conclusory", when it is actually the court that recites conclusory statements meant to provide a predetermined outcome from motivated reasoning (*Cheeks v Bemar*, 80 F.4d. 872 (8th Circ. 2023)). The facts in this case are indisputable and outlined with detail and specificity in the complaint. Calling them "conclusory" and "threadbare recitations" is the conclusory statement in this case.

2. Sovereign Immunity (11th Amendment) and the *Ex parte Young* Exception

Under the 11th Amendment, states are immune from suits brought by private parties in federal court unless they consent to the lawsuit (*Alden v. Maine*, 527 U.S. 706 (1999)). This immunity extends to state officials sued in their official capacity, as such suits are functionally suits against the state itself (*Whole Woman's Health v. Jackson*, 142 S. Ct. 522, 532 (2021)).

However, *Ex parte Young* (209 U.S. 123 (1908)) creates a narrow exception, allowing suits against state officials in their official capacity for prospective

injunctive relief when they enforce state laws contrary to federal law (*Va. Office for Prot. & Advoc. v. Stewart*, 563 U.S. 247, 255 (2011)). To determine whether *Ex parte Young* applies, courts conduct a straightforward inquiry into whether the complaint alleges an ongoing violation of federal law and seeks prospective relief (*Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002)).

Limitations on *Ex parte Young*:

While *Ex parte Young* provides an important exception, it does not apply when the requested relief would require retrospective monetary damages or interfere with a state court's ability to adjudicate cases (*Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984)). Courts must also consider whether Congress has prescribed a detailed remedial scheme that precludes the *Ex parte Young* remedy (*Seminole Tribe v. Florida*, 517 U.S. 44, 74 (1996)).

8th Circuit Applications of *Ex parte Young*:

Courthouse News Serv. v. Gilmer, 48 F.4th 908 (8th Cir. 2022): The *Ex parte Young* exception applied because the lawsuit sought injunctive relief against state officials regarding First Amendment violations, not interference with state court adjudications.

Elder v. Gillespie, 54 F.4th 1055 (8th Cir. 2022): The Eleventh Amendment does not bar claims seeking prospective relief where a constitutional violation continues to cause harm.

Meyer's Case Against Olmsted County Court Clerks:

Meyer has repeatedly attempted to challenge the clerks' determination that he is a prohibited person

under federal firearm laws, yet he remains unable to exercise his Second Amendment rights. This constitutes an ongoing violation of his due process and Second Amendment rights, requiring prospective declaratory and injunctive relief.

The district court erroneously concluded that Meyer's prospective relief was unnecessary because his permit to purchase was approved in November 2024. However, the ability to obtain a "permit to purchase"2 does not guarantee the ability to purchase and own a firearm, making the court's reasoning flawed.

Further, the court's assertion that the requested declaratory relief is "duplicative" of a prior state court ruling and therefore moot is incorrect. The Federal District court seems to imply that Meyer is not a prohibited person and thus this whole case is moot because of the State court opinion and order. Though this should absolutely be the case, again, the federal district court is incorrect. Despite the state court declaration (File #27-CV-20-11626, Meyer was still denied the right to purchase a firearm as recently as January 11, 2025 at Scheel's in Rochester, MN, even after obtaining a permit to purchase on December 9, 2025 from the Olmsted County Sheriff.

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2 A "permit to purchase" is required from local law enforcement in MN in the county of a person's residence before any purchase of a firearm can take place. However, it does not guarantee the ability to purchase a firearm as a person may not pass a federal background check at the time of purchase and be denied the ability to purchase a firearm. Why local law enforcement would authorize a "permit to purchase" but then not pass a federal background check is a mystery to plaintiff as local law enforcement requires a fingerprint card for its own background check prior to approving the permit to purchase.

Meyer is not seeking to interfere with the Olmsted County Court's adjudicatory functions but rather to prevent ongoing constitutional violations. Thus, the 11th Amendment does not apply (*Elder v. Gillespie*, 54 F.4th 1055 (8th Cir. 2022)).

The *Younger* Abstention Doctrine Does Not Apply:

The *Younger* doctrine prevents federal court interference in ongoing state proceedings unless extraordinary circumstances exist (*Younger v. Harris*, 401 U.S. 37 (1971); *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982)). However, *Younger* abstention only applies if there is a parallel, pending state action (*Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013)). Since no parallel state action exists in Meyer's case, *Younger* does not apply.

Conclusion:

Meyer's claims fall squarely within the *Ex parte Young* exception because he seeks prospective relief for ongoing violations of his Second Amendment and due process rights. The 11th Amendment does not bar his claims, and *Younger* abstention is inapplicable because there is no ongoing state court proceeding. The district court's refusal to recognize the continuing constitutional violation reflects a misapplication of the law and lack of recognition of the relevant facts and should be reversed.

Prospective Relief Under *Ex parte Young*:

Meyer continues to suffer ongoing violations of his Second and Fourteenth Amendment rights despite multiple attempts to have the court reverse the deter-

mination that he is a prohibited person under federal firearm laws. He seeks prospective relief in the form of injunctive and declaratory relief to correct this continuing constitutional violation.

***Ex parte Young* Exception to Sovereign Immunity:**

While state officials generally invoke sovereign immunity when sued in their official capacity (*Lewis v. Clarke*, 581 U.S. 155,137 S.Ct. 1285,197 L.Ed.2d 631 (2017); *Kentucky v. Graham*, 473 U.S. 159 (1985)), the *Ex parte Young* exception allows suits against state officers in their official capacity for prospective relief when enforcing an unconstitutional law (*Ex parte Young*, 209 U.S. 123 (1908); *Va. Office for Prot. & Advocacy v. Stewart*, 563 U.S. 247, 254 (2011)).

A state official enforcing an unconstitutional law is "stripped of his official or representative character" and "subjected in his person to the consequences of his individual conduct", meaning the state cannot shield them with immunity (*Va. Office for Prot. & Advocacy v. Stewart*, 563 U.S. at 254; *Hafer v. Melo*, 502 U.S. 21 (1991)).

Additionally, states are not "persons" under § 1983, meaning they cannot be sued directly (*Will v. Mich. Dep't of State Police*, 491 U.S. 58 (1989)). However, a state official enforcing an unconstitutional law can be sued for prospective relief, as they do not represent the state in such actions (*Kodiak Oil & Gas (USA) Inc. v. Burr*, 932 F.3d 1125, 1131 (8th Cir. 2019)).

Meyer's Right to Prospective Relief

Declaratory Judgment:

Meyer seeks a judicial declaration affirming that he is not a prohibited person, preventing further constitutional violations.

Injunctive Relief:

A court order is necessary to prevent officials from continuing to enforce an unconstitutional restriction on his Second Amendment rights (*Elder v. Gillespie*, 54 F.4th 1055 (8th Cir. 2022)).

Prospective Relief and the Eleventh Amendment:

While the Eleventh Amendment generally bars suits against states in federal court (*Edelman v. Jordan*, 415 U.S. 651, 662–63 (1974)), the Supreme Court has repeatedly recognized that sovereign immunity does not bar claims for declaratory and injunctive relief against state officers for ongoing violations of federal law (*Idaho v. Coeur d'Alene Tribe of Idaho*, 521 U.S. 261, 269 (1997); *Kodiak Oil & Gas (USA) Inc. v. Burr*, 932 F.3d at 1131).

Thus, Meyer's case falls squarely within the *Ex parte Young* exception, as he seeks prospective relief to prevent ongoing violations of his constitutional rights, making sovereign immunity inapplicable.

Sovereign immunity does not apply because plaintiff is seeking prospective relief for an ongoing Second Amendment violation.

3. Quasi-Judicial Immunity

Quasi-judicial immunity is extended to officers carrying out judicial orders, emphasizing that actions

taken under direct court authority are immune (*Martin v. Hendren*, 127 F.3d 720 (8th Cir. 1997); *Doe v. Chapman*, 30 F.4th 766 (8th Cir. 2022)).

Quasi-judicial immunity is extended to court clerks for tasks performed at a judge's direction, confirming that clerical actions tied to the judicial process are protected (*McCaw v. Winter*, 745 F.2d 533, 534 (8th Cir. 1984)), but not the judicial process itself, *i.e.*, determining whether an individual is a "prohibited person" from exercising his Second Amendment constitutional rights.

Quasi-judicial immunity protects court personnel when acting under a judge's directive and performing functions integral to court proceedings (*Geitz v. Overall*, 62 F. App'x 744, 746 (8th Cir. 2003)).

To overcome quasi-judicial immunity, courts generally look for cases where officials acted outside their judicial or quasi-judicial authority, engaged in non-judicial administrative or ministerial tasks, or violated clearly established constitutional rights.

Judicial immunity does not apply when officials perform administrative tasks unrelated to adjudication, such as hiring and firing employees. Court clerks making a judicial determination of firearm eligibility exceeds their authority (*Forrester v. White*, 484 U.S. 219 (1988)).

State officials sued in their personal capacities are not shielded by immunity and can be held personally liable for constitutional violations if they are making unauthorized eligibility decisions (*Hafer v. Melo*, 502 U.S. 21 (1991)).

Quasi-judicial immunity does not apply if the official's actions were taken without court authorization or were not essential to the judicial process (*Robinson v. Freeze*, 15 F.3d 107, 109 (8th Cir. 1994)). The court clerks acted independently in this case, blocking plaintiff's exercise of his constitutional rights exceeding their authority and CONTRARY to a MN district courts order.

There are limits to quasi-judicial immunity. Only functions closely related to actual judicial decision-making qualify for immunity (*Patterson v. Von Riesen*, 999 F.2d 1235, 1240 (8th Cir. 1993)). These clerks made firearm-related decisions without a direct judicial order and in fact contrary to one, and are not immune.

Government officials do not get immunity for unconstitutional actions taken outside their judicially assigned role *Boyer v. County of Washington*, 971 F.2d 100, 102 (8th Cir. 1992)). The Olmsted county court clerks were making independent determinations of firearm eligibility, acting beyond their authority.

Defendants cited the following two cases to support their contention that they were entitled to quasi-judicial immunity. However, both of these cases actually contradict that pronouncement. (*Vanhorn v. Oelschlager*, 457 F.3d 844 (8th Cir. 2006); *Imbler v. Pachtman*, 500 F.2d 1301 (9th Cir.1974))

The district court in its opinion says the plaintiff relied on *McLallen v. Henderson*, (492 F2d. 1298 (8th Circ. 1974). This is not true. The plaintiff does not refer to this case in his reply. However, this case is on point related to a court clerks functions: "However, this is not to say that clerks and court reporters may not have an absolute defense, sometimes referred to

as a qualified immunity, to a suit for damages. Such is the case where the clerk, or reporter can show that he was acting pursuant to his *lawful authority* (emphasis added) and following in good faith the instructions or rules of the Court and was not in derogation of those instructions or rules". (Distinguished from *Barnes v. Dorsey*, 480 F.2d 1057 (8th Cir. 1973)). The court clerks were outside their "lawful authority" to determine whether or not a person is a "prohibited person". (Federal Rules of Civil Procedure 2024 Edition, Title X – District Courts and Clerks: Conducting Business; Issuing Orders (Rules 77-80) Rule 77 – Conducting Business, Clerk's Authority, Notice of an Order or Judgment; Job Details for U.S. District Court, Clerk of Court, New York Southern District Court; "Quasi-judicial" definition—"court like", https://www.law.cornell.edu> wex; quasi-judicial | Wex | USLaw | LII/Legal Information Institute; United States Courts: Judicial Administration: Individual Courts "Day-to-day responsibility for judicial administration . . . " U.S. Code Section 28 U.S. Code § 751 - Clerks).

4. Second Amendment Settled Clearly Established Fundamental Constitutional Right

Second Amendment Rights and Section 1983 Claims:

Under 42 U.S.C. § 1983, individuals may bring Second Amendment claims against state and local government officials and local governments that enact unconstitutional gun control laws (*Will v. Mich. Dep't of State Police*, 491 U.S. 58 (1989)). However, states themselves are immune unless sovereign immunity is overcome.

The 14th Amendment Due Process Clause incorporates the Second Amendment, making it applicable to state and local governments (*McDonald v. City of Chicago*, 561 U.S. 742 (2010)). The Supreme Court has repeatedly affirmed that the right to keep and bear arms is an individual right, unconnected to militia service, and includes the right to possess firearms for self-defense in the home (*District of Columbia v. Heller*, 554 U.S. 570 (2008)).

Historical Precedent:

Caetano v. Massachusetts, 577 U.S. 411 (2016) (Second Amendment protects all bearable arms, not just those existing at the time of the Founding).

Government Overreach:

Officials cannot impose wrongful prohibitions or arbitrary barriers to exercising fundamental Second Amendment rights (*Id.*).

While *United States v. Rahimi*, 602 U.S. 680 (2024), upheld firearm restrictions for individuals subject to domestic violence protective orders under 18 U.S.C. 922(g)(8), Meyer does not fall into this category. No domestic violence order was issued against him (Minnesota District Court, Hennepin County, Case # 27-CV-20-11626), and no credible threat was alleged or adjudicated. Therefore, Rahimi does not apply to Meyer's case.

These cases firmly establish that the right to purchase and possess firearms is fundamental and well-settled in constitutional law (*New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022)).

5. Qualified Immunity

§ 1983 Personal-Capacity Claims

Qualified immunity shields government officials from civil liability unless they violate clearly established constitutional or statutory rights that a reasonable official would have known (*Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). The doctrine protects officials performing discretionary functions but does not extend to those acting with reckless disregard or plain incompetence (*Malley v. Briggs*, 475 U.S. 335, 341 (1986)).

To Overcome Qualified Immunity, a Plaintiff Must Prove:

1. A constitutional or statutory right was violated.

2. The right was clearly established at the time (*Wilson v. Lamp*, 901 F.3d 981, 986 (8th Cir. 2018); *McDaniel v. Neal*, 44 F.4th 1085, 1089 (8th Cir. 2022)).

A right is clearly established if precedent has placed the constitutional question beyond debate (*Ashcroft v. al-Kidd*, 563 U.S. 731, 735, 741 (2011)). <u>While an exact case match is not required, prior rulings must provide fair warning that the conduct is unconstitutional</u> (emphasis added) (*White v. Pauly*, 580 U.S. 73, 79 (2017)). The Court has cautioned that broad legal principles are insufficient; precedent must offer a close factual analogy (*Mullenix v. Luna*, 577 U.S. 7 (2015)).

However, qualified immunity does not apply if an official's actions were objectively unreasonable given clearly established law (*Cheeks v. Belmar*, 80 F.4th 872 (8th Cir. 2023)). Officials are not protected if they

knowingly violate the law (*Malley v. Briggs*, 475 U.S. at 341).

§ 1983 Personal-Capacity Claims:

Under § 1983, government officials may be sued in their personal capacity when they violate clearly established constitutional rights (*Hafer v. Melo*, 502 U.S. 21, 25 (1991)). Such suits impose personal liability, rather than liability on the government entity (*Kentucky v. Graham*, 473 U.S. 159 (1985)). However, qualified immunity remains a defense (*McDaniel v. Neal*, 44 F.4th 1085, 1089 (8th Cir. 2022)).

Critics argue that qualified immunity excessively shields officials from accountability, even when their actions are unreasonable (*Kisela v. Hughes*, 138 S. Ct. 1148 (2018) (Sotomayor, J., dissenting)). Judge Don Willett has warned that the doctrine risks creating "unqualified impunity" (*Zadeh v. Robinson*, 928 F.3d 457, 479-480 (5th Cir. 2019)).

Conclusion:

To overcome qualified immunity, a plaintiff must demonstrate that prior case law clearly established that the official's conduct was unconstitutional. The doctrine remains a significant barrier to civil rights claims but is subject to growing legal scrutiny.

The Supreme Court has clarified that a right is clearly established when precedent makes it beyond debate that the conduct was unconstitutional (*Ashcroft v. al-Kidd*, 563 U.S. 731, 735, 741 (2011)). As reaffirmed in *White v. Pauly*, 580 U.S. 73, 79, and *Mullenix v. Luna*, 577 U.S. 7, an exact factual match is unnecessary, so long as existing precedent provides officials with

fair notice(emphasis added) that their actions were unlawful.

The defendants are not entitled to qualified immunity because they violated clearly established law and acted with Deliberate Indifference and Reckless Disregard for the plaintiff's constitutional rights.

Olmsted County court clerks had ample time to consider the case and were repeatedly presented with evidence that the plaintiff was not a prohibited person.

Their deliberate refusal to correct their mistake—despite receiving court orders and legal documentation—constitutes "conscience-shocking" conduct under *Sacramento v. Lewis.*

Since this was not an emergency situation, the constitutional violation standard is lower than in cases requiring split-second decision-making.

Qualified immunity should not apply because the officials knowingly disregarded the plaintiff's clearly established rights.

6. Discretionary vs Ministerial Functions

"The Supreme Court explained that discretionary functions require the exercise of judgment influenced by an official's experiences, whereas ministerial tasks involve carrying out clearly delegated duties without meaningful choice. This distinction is central to determining when qualified immunity attaches (*Harlow v. Fitzgerald,* 457 U.S. 800, 816–18 (1982))

In *Davis*, the Court clarified that an official is not entitled to qualified immunity for errors in performing ministerial functions. This case underscores that when an official's role is purely ministerial, any improper

performance is not shielded by the immunity that applies to discretionary decisions (*Davis v. Scherer*, 468 U.S. 183, 196 n.14 (1984))

This decision reiterated that qualified immunity protects only those actions that fall within the discretionary realm. It serves to illustrate that where an official's conduct is merely executing a predetermined procedure, the official does not enjoy the same level of immunity (*Crawford-El v. Britton*, 523 U.S. 574, 588 (1998))

Although from the 11th Circuit, *Holloman* is instructive—it emphasizes that the burden is on the official to show they were acting in a discretionary capacity. When their conduct is ministerial (*i.e.*, following a set rule or procedure), qualified immunity does not apply (*Holloman ex rel. Holloman v. Harland*, 37d (11th Cir. 2004))

An 8th Circuit decision that, while primarily addressing qualified immunity, reinforces that actions devoid of meaningful discretion (*i.e.*, ministerial acts) cannot invoke the same immunity as those involving judicial-like decision making (*Wilson v. Lamp*, 901 F.3d 981, 986 (8th Cir. 2018))

A recent 8th Circuit opinion supports the view that officials performing routine, ministerial tasks are held to a different standard than those making discretionary decisions. It bolsters the argument that once an official's conduct is purely ministerial, the protective scope of qualified immunity narrows (*Cheeks v. Belmar*, 80 F.4d 872 (8th Cir. 2023))

Under federal law, an official is entitled to qualified immunity in his performance of discretionary functions, regardless of the official's subjective motive

(*Crawford-El v. Britton*, 523 U.S. 574, 588 (1998)). The defendant official bears the burden of establishing that he was engaged in a discretionary function at the time of the challenged action (emphasis added)(*see*, for example, *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252 1264 (11th Cir 2004)). To determine whether the defendant has met this burden, the district court must distinguish between:

- **Discretionary job functions.** These job functions involve judgments that "almost inevitably are influenced by the decision-maker's experiences, values, and emotions" (*Harlow*, 457 U.S. at 816-18).
- **Ministerial tasks.** These tasks involve fairly straightforward thought processes and often the execution of specifically delegated responsibilities, where an official lacks discretion in determining how to complete the task (*Harlow*, 457 U.S. at 816-17). An official is not entitled to qualified immunity for the improper performance of a ministerial job function (*Davis v. Scherer*, 468 U.S. 183, 196 n.14 (1984)).

The defendants argue that "court clerks" have absolute immunity based upon quasi-judicial immunity because they are performing "judicial-like" functions who "exercise a discretionary judgment" (*Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252 1264 (11th Cir 2004)). The defendants rely on *VanHorn v. Oelschlager* (502 F.3d 775, 779 (8th Circ. 2007)). However, the defendants in this case were "adjudicating" an issue as members of a professional "board" which perform functions analogous to a court and are statutorily given the authority to perform these

functions and apply their rulings in the discipline rendered. This is a "discretionary" judicial function. Court clerks do not perform this function. They may apply a court's rule or decisions, but in no way should or do make judicial-like decisions. Misapplication or erroneous application of court rules, decisions, findings, orders, does not make that a discretionary "judicial function". Court clerks perform "ministerial duties". And erroneous ministerial decisions do not qualify for qualified immunity ("any improper performance is not shielded by the immunity that applies to discretionary decisions" (*Davis v. Scherer*, 468 U.S. 183, 196 n.14 (1984)).

Court clerks exercise "ministerial tasks". They should not perform "judicial" functions, as Meyer alleges in this complaint. And when confronted with this fact, the court clerks in this case displayed a "deliberate indifference" and "reckless disregard" and persisted in this behavior.

Even if, however, the court clerks were performing "discretionary duties", they may be entitled to "qualified immunity". However, a bar to this immunity is that they violated a constitutional right which was/is clearly established and they acted outside their legal authority.

Qualified immunity, sometimes referred to as good faith immunity, applies to government employees performing a discretionary function (*Harlow v. Fitzgerald*, 457 U. S. 800 at 803 (1982)).

However, and importantly, government officials do not get immunity for unconstitutional actions taken outside their judicially assigned role *Boyer v. County of Washington*, 971 F.2d 100, 102 (8th Cir. 1992)), or

authority, even a discretionary act ("State officials sued in their personal capacities are not shielded by immunity and can be held personally liable for constitutional violations if they are making unauthorized eligibility decisions") (*Hafer v. Melo*, 502 U.S. 21 (1991)).

The court clerks in this case acted outside their legal authority.

7. Due Process

A. Procedural and Substantive Due Process Violations

A. Procedural Due Process Violation

Meyer was deprived of his Second Amendment rights without notice or an opportunity to be heard, violating procedural due process. The Olmsted County Court made this determination without a judicial hearing, and Meyer was denied pre- or post-deprivation remedies.

Legal Standard:

To establish a procedural due process violation, a plaintiff must show:

1. A protected liberty or property interest is at stake.

2. The government deprived that interest without due process (*Gordon v. Hansen*, 168 F.3d 1109, 1114 (8th Cir. 1999); *Elder v. Gillespie*, 54 F.4th 1055 (8th Cir. 2022)).

Due process requires:

Adequate notice before deprivation (*Bliek v. Palmer*, 102 F.3d 1472, 1475 (8th Cir. 1997)).

A hearing before final deprivation (*Wolff v. McDonnell*, 418 U.S. 539, 557-58 (1974); *Goldberg v. Kelly*, 397 U.S. 254, 263-66 (1970)).

An impartial decision-maker (*Goldberg*, 397 U.S. at 263-66).

Meyer's rights were revoked without legal authority (and in fact contrary to a legal decision by a court of competent jurisdiction in the State of Minnesota), violating due process. The *Mathews v. Eldridge* test confirms this deprivation was improper:

1. Private Interest: Meyer's fundamental right to bear arms.

2. Risk of Erroneous Deprivation: High, as no established procedural safeguards were followed.

3. Government Interest: Minimal, as no legal standard justified the deprivation (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

The court clerks exceeded their authority by making an unauthorized judicial determination regarding Meyer's firearm eligibility, a decision reserved for judges, not clerks.

B. Substantive Due Process Violation

Meyer's fundamental right to own and purchase a firearm was denied without justification, violating substantive due process.

Legal Standard:

Government actions that deprive fundamental rights must meet strict scrutiny (*Stanley v. Illinois*, 405 U.S. 645 (1982); *Zablocki v. Redhail*, 434 U.S. 374 (1978); *Wisconsin v. Yoder*, 406 U.S. 205 (1972)).

Arbitrary or capricious government actions violate substantive due process (*Gordon v. Hansen*, 168 F.3d 1109, 1114 (8th Cir. 1999); *Sacramento v. Lewis*, 523 U.S. 833 (1998)).

Deliberate indifference to constitutional rights constitutes a violation (*Daniels v. Williams*, 474 U.S. 327, 346 (1986); *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997)).

The *Sacramento v. Lewis* standard confirms that, in non-emergency situations (emphasis added), deliberate indifference to a constitutional right is sufficient to establish a due process violation. The clerks' reckless disregard for Meyer's rights meets this standard (*Sacramento v. Lewis*, 523 U.S. at 833).

Conclusion

The court clerks violated Meyer's procedural and substantive due process rights by making a judicial determination without clear authority, notice, or a hearing. Their deliberate indifference to established constitutional protections renders them liable under the 14th Amendment. These violations are clearly established in precedent, confirming that Meyer's rights were unlawfully denied.

8. Supervisor Responsibility

Hans Holland was a direct supervisor and not just a respondent superior:

"When the issue is qualified immunity from individual liability for failure to train or supervise, deliberate indifference is a subjective standard that 'entails a level of culpability equal to the criminal law definition of recklessness.'"(*B.A.B., Jr. v. Bd. of Educ.*

of St. Louis, 698 F.3d 1037, 1040 (8th Cir.2012); *Livers v. Schenck*, 700 F.3d 340, 355 (8th Cir. 2012);

Nordstrom v. Ryan, 762 F.3d 903, 911 (9th Cir. 2014): stating that "clerk[s] of court" who engage in "supervisory and administrative duties" are subject to suit under *Ex parte Young*. 'When a supervising official who had no direct participation in an alleged constitutional violation is sued for failure to train or supervise the offending actor, the supervisor is entitled to qualified immunity unless plaintiff proves that the supervisor (1) received notice of a pattern of unconstitutional acts committed by a subordinate, and (2) was deliberately indifferent to or authorized those acts.' This rigorous standard requires proof that the supervisor had notice of a pattern of conduct by the subordinate that violated a clearly established constitutional right."

In *Parrish v. Ball*, 594 F.3d 993, 1001 (8th Cir. 2010): Citing *Otey v. Marshall*, the 8th Circuit affirmed that a supervisor must have actual or constructive knowledge of a pattern of unconstitutional acts by subordinates. Given that Holland signed off on multiple erroneous denials of plaintiffs firearm rights, this case supports his direct responsibility (*Walton v. Dawson*, 752 F.3d 1109, 1125 (8th Cir. 2014); *S.M. v. Krigbaum*, 808 F.3d 335 (8th Cir. 2015)). In addition, Meyer's letter was addressed directly to Hans Holland as the court clerk administrator.

Hans Holland is liable in his supervisory role for failing to prevent the court clerks from violating plaintiffs due process and Second Amendment rights, knowing firsthand that these violations were ongoing, having been given notice, and this act was a pattern of the court clerks.

CONCLUSION

This case is about Second Amendment constitutional rights, "prohibited persons" from purchasing a firearm, sovereign immunity, quasi-judicial immunity, qualified immunity, discretionary vs ministerial acts, procedural and substantive due process, and supervisory liability.

These issues are critical, relevant, and current in our society and especially in this case as it relates to this plaintiff's constitutional right to bear arms that is and has been violated and denied in an ongoing manner.

Respectfully submitted,

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